

1 Thursday, 27 June, 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment, at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese

to English interpretation was made by

SHIMADA, Masakazu and SHIMANOUCHI, Toshiro,

Akira Itami acting as Monitor.)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: All the accused are present except MATSUOKA and OKAWA. OKAWA is represented by his counsel. I expect an announcement relating to MATSUOKA.

MR. KOBAYASHI: Mr. President, I am KOBAYASHI, counsel for defense, representing MATSUOKA.

I wish hereby to announce at this time that the defendant MATSUOKA passed away at the Imperial University Hospital this morning at 2:40 o'clock.

THE PRESIDENT: Colonel Warren.

MR. WARREN: If the Tribunal please, I am Mr. Warren, the American defense counsel for Mr. MATSUOKA. We ask the Court at this time to waive the ordinary requirements with reference to the introduction of document and permit us at this time to introduce the death certificate of the late MATSUOKA in formal proof of death.

THE PRESIDENT: Tender that certificate.

MR. HIGGINS: Mr. President, Members of the Tribunal: The prosecution has no objection to the motion made.

MR. WARREN: After its introduction, if the Tribunal please, if it is permitted, we will ask the

Tribunal to make such order as it deems necessary under the circumstances. Will it be permitted, sir?

THE PRESIDENT: Yes. Admitted.

CLERK OF THE COURT: The exhibit has been marked No. 159.

(Whereupon, the document above

referred to was marked defense exhibit No. 159 for identification, and was received in evidence.)

10 THE PRESIDENT: As against MATSUOKA, the
11 indictment is discharged. His name will be stricken
12 from the indictment as an accused.

13 Do you require any order relating to the
14 body of the deceased?

15 MR. WARREN: We should, as soon as practi-
16 cable, like to turn the remains over to the family
17 for burial in such manner as the family desires.

18 THE PRESIDENT: We order accordingly,
19 subject to any requirements of the Supreme Commander.

20 Does counsel desire to mention any matter?

21 The next business is an application on be-
22 half of the prosecution under Rule 6b(1) of the Rules
23 of Procedure for an order dispensing with compliance
24 of same and permitting an offer in evidence of
25 excerpts from exhibits without complete translation

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23 of Procedure for an order dispensing with compliance
24 of same and permitting an offer in evidence of
25 excerpts from exhibits without complete translation

1 of entire exhibits.

2 MR. JUSTICE MANSFIELD: If the Tribunal
3 please, I assume that the Tribunal has read the
4 application?

5 THE PRESIDENT: Yes, we have.

6 MR. JUSTICE MANSFIELD: With regard to the
7 first document, the official record of the Criminal
8 Court of Tokyo in 1934, the official record consists
9 of a number of volumes. The prosecution merely
10 intends to use the evidence of OKAWA, which was
11 given at the trial, the complete evidence of OKAWA,
12 and asks the leave of the Court to be excused from
13 delivering copies of the complete document to the
14 accused concerned.

15 MR. McCORMACK: If the Court please, it is
16 not known among most defense counsel what is going
17 on at this minute. I see counsel, here, has some
18 form of application that you are talking about, but
19 we do not understand what is going on. We have no
20 copies of these, and there is no way we can find out
21 unless it is read into the record so that we under-
22 stand what is going on at this time.

23 THE PRESIDENT: Several if not all of the
24 judges have received no copies.

25 MR. JUSTICE MANSFIELD: Fifty copies were

1 delivered to Lieutenant Schwartz yesterday morning.
2 I saw him personally mid-day yesterday, and he told
3 me he had delivered thirty-five to the defense,
4 eleven to the judges, and some other distribution to
5 the Language Section, and so on.

6 THE PRESIDENT: Well, Mr. Justice Northcroft
7 is one of the judges who has not received a copy.
8 I am told that none of the judges except myself has
9 received it.

10 MR. JUSTICE MANSFIELD: Well, I will ask
11 that Lieutenant Schwartz be summoned.

12 MARSHAL OF THE COURT: Mr. President; he
13 has already been summoned.

14 THE PRESIDENT: You will have to take the
15 judges' word for it. Nothing the Lieutenant says
16 will make any difference. So we will assume the
17 judges have not been served for some reason or other.
18 What the reason is we do not want ventilated here.
19 It takes too much time.

20 MR. JUSTICE MANSFIELD: Does the Tribunal
21 wish to proceed with the application now?

22 THE PRESIDENT: Perhaps we should put it
23 off until the afternoon. Not all of the judges are
24 prepared to go ahead without seeing the papers, so
25 we will not take the motion this morning. We will

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1 adjourn it until the afternoon. Bring it on at
2 half-past one.

3 MARSHAL OF THE COURT: Mr. President, at
4 your direction Captain Schwartz is in court.

5 THE PRESIDENT: Did you serve the copies
6 of those papers on the judges? You know what I
7 am talking about, do you?

8 CAPTAIN SCHWARTZ: Sir, I gave them to
9 Distribution to be distributed. I can go up and
10 check up and find out where they went to.

11 THE PRESIDENT: We cannot waste any more
12 time. We will have it investigated outside the court.

13 You had better go ahead with the other
14 business, Mr. Justice Mansfield.

15 MR. OHARA: I should now like to proceed
16 with the cross-examination which began yesterday.

17 Y O S H I C H I K A T O K U G A W A, called as a
18 witness on behalf of the prosecution, resumed
19 the stand and stestified as follows:

20 BY MR. OHARA (Continued):

21 Q Has the witness, in talking with OKAWA,
22 talked while drinking? That is, drinking saki.

23 A No, I did not talk with him over cups
24 of saki.

25 Q Do you know whether OKAWA is an inebriate,

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1 loves drink, drinking?

2 A I know that his character changes a bit
3 when he is drunk.

4 Q Does he talk about big things which normally
5 he does not?

6 A I haven't heard of those big things on such
7 occasions.

8 Q Has OKAWA ever been decorated by the Japanese
9 Government or by Manchukuo in connection with the
10 Manchurian Incident?

11 A I have never heard about that, and I don't
12 believe that such things could have happened to him.

13 MR. HAYASHI: I wish to say, Mr. President,
14 that I am HAYASHI, counsel for the defendant HASHIMOTO,
15 Kingoro. I should like to put two or three questions
16 to the witness.

17 CROSS-EXAMINATION (Continued)
18 BY MR. HAYASHI:

19 Q Mr. Witness, yesterday you said that when
20 you asked SHIMIZU, Konosuke, to return the bombs, you
21 said that these bombs merely made a big noise, con-
22 tained a lot of smoke, and were somewhat like fire-
23 crackers. Who did you confirm this with?

24 A I heard that those bombs were mock bombs
25 later on from Mr. SHIMIZU.

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1 Q Did you not hear at that time that these
2 mock bombs were very small, about the size of chicken
3 eggs?

4 A I was not informed about the size of the
5 bombs. But judging from the place where Mr. SHIMIZU
6 received those bombs, I could infer that those bombs
7 were not of large size.

8 THE PRESIDENT: We have heard enough about
9 that type of bomb.

10 Q Mr. Witness, yesterday you said that you had
11 known Dr. OKAWA for a long time, and that you were
12 an intimate friend of his; and that when OKAWA gets
13 drunk he talks about things that he normally does not
14 talk about.

15 THE MONITOR: Correction: Do you know that
16 Mr. OKAWA, when he is drunk, goes into lengthy dis-
17 cussion of things which do not exist, and he gets
18 into a sort of a fit? Are you aware of that fact?

19 A Although I was an intimate friend of OKAWA,
20 I scarcely had drinks together with him and I was
21 never present at the place where he was drinking
22 saki. However, I have heard that when Mr. OKAWA is
23 drunk he is liable to talk about big things.

24 Q However, when OKAWA drinks he talks about
25 grandiose things; but is it not this very fact that

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CROSS

1 has brought disciples to his feet, and among them
2 SHIMIZU, Konosuke?

3 A I cannot agree with your opinion.

4 Q Recently, have you in your talks with OKAWA,
5 seen some indication that there was something men-
6 tally wrong with him?

7 A I didn't notice any signs of mental derange-
8 ment.

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Q In your affidavit, Mr. Witness, you speak
of the Showa Restoration having been decided upon.
Now, what do you mean by "Showa Ishin" or "Showa
Restoration"? What is its contents?

g 3 A As I stated yesterday, at that time two
& 6 major political parties were fighting each other.
B 7 One of them was the Seiyukai party which advocated
a 8 inflationary policy, and the other one was the
r 9 Minseito which was inclined towards deflationary
t 10 policy. As a result, the people's attitude became
n 11 hard, and it was necessary to find a way out of the
 12 situation in order to improve the livelihood of the
 13 nation.

If the political parties at that time pursued wholesome policies, such as the political parties which carried out retrenchment of armament, the livelihood of the nation would have been much better.

19 THE MONITOR: Correction: Such as
20 political parties that existed at the time when the
21 disarmament was carried out.

22 A (Continuing) As the political party had
23 been corrupted, as I said -- became corrupted, the
24 nation suffered very much. And the most important
25 issue at that time was to find a measure by which

TOKUGAWA

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1 to rectify this situation.

2 Q I understand. Now, turning to another
3 question, when did you, Mr. Witness, meet HASHIMOTO
4 for the first time?

5 A I heard of a certain Mr. HASHIMOTO from
6 OKAWA a long time ago. However, it was not until
7 after the March incident -- not until two or three
8 years after the March incident that I met him
9 personally for the first time.

10 Q In your affidavit, Mr. Witness, you say
11 that some time in January or February, 1939 you
12 were present at an inn in Tokio with Dr. OKAWA and
13 some others. Was or was not HASHIMOTO present at
14 this dinner?

15 A He wasn't there at that time. I am
16 positive about it.

17 Q Have you, Mr. Witness, ever visited the
18 Kinryutei Restaurant between January and March,
19 1931?

20 A No, never.

21 Q Did you know the mistress of the Kinryutei
22 later after being renamed the Kawasho Restaurant?

23 A I know her now, but I don't remember know-
24 ing her at that time.

25 Q Is it that you do not know or that you do

TOKUGAWA

CROSS

1 not remember?

2 A That is, I don't remember, although I might
3 have met her.4 Q Mr. Witness, what is your estimation --
5 what do you think of SHIMIZU, Konusuke?6 A According to my observation, he is a man
7 of zeal.8 THE MONITOR: Correction: He is an
9 emotional man.10 Q Are there any other special characteristics
11 or traits of the man which you have observed?12 THE PRESIDENT: That is impossible. You
13 cannot go on along those lines. I think you have
14 put all the questions worth while.

15 MR. HAYASHI: That is all.

16 MR. HELM: That is all the prosecution has
17 for this witness, your Honor.18 (Whereupon, the witness was
19 excused.)20 The prosecution at this time would like
21 to call Isamu FUJITA. The number of his affidavit
22 is 1892.

23 CLERK OF THE COURT: Exhibit No. 160.

24

25

FUJITA

DIRECT

1 (Whereupon, the document above
2 referred to was marked prosecution's
3 exhibit No. 160 for identification.)

4 MARSHAL OF THE COURT: Mr. President, the
5 witness is in court and will now be sworn.

6 - - -

7 ISAMU FUJITA, called as a witness on
8 behalf of the prosecution, being first duly
9 sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HELM:

12 Q What is your name?

13 A FUJITA, Isamu.

14 Q Will you put the earphones on so that you
15 can hear the Japanese.

16 Have you made an affidavit in this case?

17 A I did.

18 Q Is this it (handing paper to witness)?

19 A Yes, this is it.

20 Q Was this affidavit read to you in Japanese?

21 A Yes.

22 Q Is this your signature hereon?

23 A Yes, it is (returning paper to Mr. Helm).

24 Q I hand you a translation of this affidavit
25 into Japanese and ask you if this contains what was

FUJITA

DIRECT

1 read to you as a translation of the affidavit you
2 signed (handing paper to witness).

3 A There are two places where there is an
4 error in a person's name and rank.

5 Q Well, I will ask the Monitor to make
6 the necessary correction.

7 A Are you satisfied with the English
8 affidavit?

9 Q I am.

10 A Are the facts therein true?

11 Q Yes.

12 MR. HELM: I offer the document in
13 evidence and ask that it be appropriately marked.

14 THE PRESIDENT: Admitted.

15 (Whereupon, prosecution's exhibit
16 No. 160 was received in evidence.)

17 MR. HELM: (Reading)

18 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
19 THE UNITED STATES OF AMERICA, et al.)

20 - AGAINST -)

21 ARAKI, SADA0, et al)

) AFFIDAVIT

22 "I, FUJITA, Isamu, make oath and say as

23 follows:

24 "I am a journalist and have been president
25 of several newspapers from time to time.

FUJITA

DIRECT

1 "In 1930 I became acquainted with Lieutenant
2 Colonel SHIGETO, Chiaki, who was a nephew to my
3 brother-in-law. From this date I knew him intimately-
4 ly until he died a Major General in 1940.

5 "In August 1931 the aforesaid Colonel
6 SHIGETO and Colonel HASHIMOTO, Kingoro came to my
7 house and had dinner. During this visit the afore-
8 said Colonel SHIGETO and aforesaid Colonel HASHIMOTO
9 talked to me about the emergency situation in
10 Manchuria and the danger to Japanese rights and
11 Japanese nationals in that country. The aforesaid
12 Colonel SHIGETO and the aforesaid Colonel HASHIMOTO
13 made the statement that positive action should be
14 taken in Manchuria.

15 "Ten or fifteen days after this meeting the
16 aforesaid Colonel SHIGETO brought forty thousand yen
17 to me at my home and asked me to sign a receipt there-
18 for and to hold this money for him until he needed
19 it. I signed the receipt to a fictitious person
20 and agreed without asking any questions. Three or
21 four days later the aforesaid Colonel SHIGETO
22 returned and got twenty thousand yen and said, 'I
23 have made it known that I got this money from you
24 so you agree with this.' In something like five
25 days the aforesaid Colonel SHIGETO returned and got

FUJITA

DIRECT

1 all the rest of the money I was keeping for him
2 but two or three thousand yen.

3 "On September 19, 1931 I read in the news-
4 paper of the blowing up of the railroad track in
5 Manchuria and the outbreak of hostilities there
6 between the Kwantung Army and Chinese troops. I
7 immediately rushed over to the aforesaid Colonel
8 SHIGETO's house and said to him, 'You have accom-
9 plished what you were contemplating and suggesting
10 in Manchuria.' To which the aforesaid Colonel
11 SHIGETO replied 'Yes,' and nodded and smiled. I
12 then asked him how he was going to terminate this
13 incident. Colonel SHIGETO said, 'We will expel
14 Chang Hsueh Liang, the son of the late Chang Tso
15 Lin, from Manchuria and bring CHU, Chen to Manchuria
16 and install him as Governor of the three Far Eastern
17 Provinces.' I then stated 'There may not be any
18 international complications in that case.' Colonel
19 SHIGETO then said, 'I have this in mind.' I then
20 asked him, 'If things do not go through as you
21 expect, what are you going to do?' To which Colonel
22 SHIGETO replied, 'I am in a post at the General
23 Staff which makes me practically responsible for
24 all affairs in China so in case of failure I will
25 commit Hara Kiri. On this same day, September 19,

FUJITA

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CROSS

1 1931; or the following day I saw the aforesaid
2 Colonel HASHIMOTO, Kingore and said to him, 'I see
3 you accomplished what you said should be done in
4 Manchuria.' He replied, 'Yes, things came to the
5 pass where they should come.' He then bowed and
6 said, 'I am busy and will see you again.' He then
7 left."

8
9 Signed "I. Fujita."

10 You may have it.

11 MR. HAYASHI: I wish to cross-examine the
12 the witness.

13 CROSS-EXAMINATION

14 BY MR. HAYASHI:

15 Q When was it that you, Mr. Witness, first
16 heard of the report of the explosion on the railway
17 in Manchuria and the clash between Chinese and
18 Japanese troops? Was it September 18 or September
19, 1931?

20 A I remember -- I think it was right after
21 the happening of the Incident, but I don't remember
22 exactly the date.

23 MR. HAYASHI: At this time I should like
24 to put a question to Prosecutor Helm.

25 THE PRESIDENT: Oh, no.

FUJITA

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1 MR. HAYASHI: What I wanted to ask is that
2 when I saw the English affidavit in possession of
3 counsel Logan, the date was given as "September 19,"
4 whereas in the Japanese text the date is "September
5 18." I should like to know why there was such an
6 error made in such an important date.

7 THE PRESIDENT: Well, he is making a
8 statement. It may or may not be an error. It can
9 be corrected.

10 MR. HAYASHI: There is one matter of
11 which I wish to ask leave of the Court. Not being
12 a simple matter, I trust that the Court would for-
13 bear with me.

14 As you have heard yesterday, in connection
15 with the affidavit of SHIMIZU, Konosuke, you recall
16 that in the English affidavit it stated "in Sep-
17 tember 1," whereas in the Japanese affidavit the
18 same passage was given as "September 1." Again
19 today, in the affidavit of the witness FUJITA, the
20 English version gives the date "19 September"
21 while in the Japanese version the date is given as
22 "18 September."

Now, I think that is a very important matter, and the frequency of errors made on such an important matter makes necessary the conducting

FUJITA

CROSS

1 of unnecessary cross-examination, thus lengthening
2 the case much against the will of this Court.

3 THE PRESIDENT: Will you stop for a
4 minute? That is not an important matter as I see
5 it now, but you are trying to make out it is. And
6 you waste more time in your cross-examination than
7 any other counsel. You have not learned to put a
8 short question. The matters about which you are
9 cross-examining could be cleaned up within a few
10 minutes, but you are taking something like half
11 an hour.

12 Ask him on what date he did read that in
13 the newspaper.

14 MR. HAYASHI: I should now like to ask a
15 question on a different matter.

16 Q In your affidavit, Mr. Witness, you state
17 that on 19 September, or the 20th of September, you
18 met HASHIMOTO, Kingoro. Where was the locale of
19 that talk?

20 THE MONITOR: Correction: 19 of September,
21 1931.

22 A I believe it was at my home, although I
23 don't recall exactly as I used to meet him quite
24 often at that time.

25 Q At what time did you meet him?

FUJITA

CROSS

1 A It was in the evening, I think.

2 Q Did HASHIMOTO take the trouble of visiting
3 you at your home and say "Let's meet again. I am
4 busy."?

5 A That happened, ~~some~~ times often, too.

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1 Q The defendant, HASHIMOTO, says that he does
2 not recall ever meeting you either on the 19th or the
3 20th of September, 1931. Is the witness mistaken in
4 this matter?

5 A As I said before, this happened more than
6 ten years ago; I do not recall exactly the dates or
7 the time.

8 Q Then I ask, Mr. Witness, you say that you do
9 not recall -- your memory is not exact with reference
10 to matters which happened over ten years ago; but why,
11 Mr. Witness, do you recall definitely having met
12 HASHIMOTO on the 19th or the 20th of September, 1931?

13 A I am not mistaken in that, because I used to
14 meet him quite often at that time.

15 THE MONITOR: Correction: I used to meet
16 him almost constantly in those days.

17 Q Next, I should like to ask you, Mr. Witness;
18 HASHIMOTO says that during the month of August, 1931,
19 he does not recall ever having attended a dinner
20 party at your home with Colonel SHIGETO. Is there
21 not some mistake in your memory?

22 MR. HELM: I would like to object to that
23 at this time, your Honor. That is very improper.

24 THE PRESIDENT: We will let him put that
25 one. He is giving most important evidence against

FUJITA

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1 this HASHIMOTO. I think that question ought to be
2 allowed.

3 A As I met him during those days, for several
4 scores of times, it is certain that I met him on that
5 day, although I don't recall exactly where I met him
6 -- whether it was during, at my home, at dinner,
7 or elsewhere.

8 Q Then, I should like to ask you, Mr. Witness;
9 With reference to the passage in your affidavit in
10 which state that in August, 1931, Colonels SHIGETO
11 and HASHIMOTO came to my house for dinner, and
12 talked on such and such a matter. May I ask whether
13 that is definitely accurate or not?

14 THE PRESIDENT: That is enough.

15 A As I stated before, I might be mistaken
16 in recalling exact dates, but as to recalling the
17 facts I am positive of the correctness of my memory.

18 CROSS EXAMINATION (Continued)

19 BY MR. OHARA:

20 Q Mr. Witness, may I inquire with reference
21 to a passage in your affidavit in which you refer to
22 the endangering of Japanese rights and interests,
23 and Japanese nationals in Manchuria. Could you
24 amplify that matter?

25 A The gist of the talk that I had with him

FUJITA

CROSS

1 was like the following: The troops under the com-
2 mand of Chang Hsueh Liang started to take provocative
3 attitudes toward the Japanese in accordance with the
4 policy of General Chang Hsueh Liang himself. Conse-
5 quently, Japan's vested rights and interests were
6 endangered, gravely endangered, and it was also said
7 at the time that they were planning to construct a
8 parallel line to the Manchurian Railway, thus op-
9 pressing the Japanese policy in Manchuria. It was
10 therefore necessary for Japan to take up arms to
11 remedy that situation. That was the gist of the con-
12 versation that I had with him.

13 Q Was there any talk at that time as to where
14 and what kind of action Chinese troops might take
15 against Japanese interests and endangering Japanese
16 interests in Manchuria?

17 A I heard that younger officers in the Chinese
18 army were becoming provocative toward the Japanese and
19 that the danger -- the explosion point -- correction,
20 please -- the critical moment in the Sino-Japanese
21 relations was close at hand.

22 Q Next, in the affidavit you state that
23 Colonel SHIGETO and HASHIMOTO said that a positive
24 action must be taken in Manchuria. Can you enlarge
25 upon that?

FUJITA

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23 Colonel SHIGETO and HASHIMOTO said that a positive
24 action must be taken in Manchuria. Can you enlarge
25 upon that?

FUJITA

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1 A That is I said that if there was an op-
2 portunity we should give a hard blow to them.

3 Q Do the words, "positive action," also
4 include to resort to positive diplomatic action
5 with great determination other than armed action?

6 A According to my interpretation, that meant
7 that the Manchukuoan Army was ready to stand up the
8 minute there would be infringement of the Japanese
9 rights and interests in Manchuria, or the persecu-
10 tion of the Japanese residents in Manchuria.

11 THE MONITOR: Correction: I interpret
12 it this way: That is, if Manchurian troops attack
13 Japanese troops or Japanese residents or infringe
14 upon Japanese interests, then we -- the Japanese --
15 should take armed action.

16 Q Not only Japanese interests, but also the
17 lives of Japanese residents there, were they also
18 not endangered at that time?

19 A I heard about that quite often.

20 Q In your affidavit you mention about meet-
21 ing HASHIMOTO and your statement to him at that
22 time. I should like to ask you, from the Japanese
23 text, just what you told him -- told SHIGETO --
24 the statement --

25 THE MONITOR: HASHIMOTO.

FUJITA

CROSS

1 I quote from the Japanese: "I see you
2 accomplished what you said should be done in Man-
3 churia." Now, this is not a complete nor adequate
4 sentence in Japanese. What do you mean by it?

5 A The words I used were: "At last you have
6 done it, haven't you?"

7 THE PRESIDENT: We will recess now until
8 eleven o'clock.

9 (Whereupon, at 1045 hours, a
10 recess was taken until 1100, after which
11 the proceedings were resumed as follows,
12 Lanny Miyamoto replacing Akira Itami as
13 Monitor:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 CROSS-EXAMINATION (Continued)

4 BY MR. OHARA:

5 Q Mr. Witness, you said that you told
6 HASHIMOTO, "At last you have done it." Do you mean
7 exactly as stated or do you mean, "At last it has
8 happened"? In Japanese do we not also say, when you
9 say, "At last you have done it," that it also means,
10 "At last it has happened"?

11 A Yes.

12 Q In your affidavit you said and I quote from
13 your statement in the affidavit, "You have accomplished
14 what you were contemplating and suggesting in Manchuria."
15 Now, in the Japanese language -- in Japanese -- we
16 do not use such rhetoric. Do you also mean in this
17 case also, "At last you have done it"?

18 A Yes.

19 Q Then this also means, may I confirm again,
20 that it was not SHIGETO who had done it but that the
21 matter -- the incident -- had occurred, isn't that so?

22 A Yes, of course.

23 Q Now, may I also refer again to your affidavit
24 in which you state that positive action should be
25 taken. Now, is this -- by "positive action," do you

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1 mean action to be taken by this side, by the initia-
2 tive of our side, or does it mean action to be taken
3 in case of violation against Japanese interests or
4 any provocative action taken against Japanese as a
5 measure of self-defense?

6 THE MONITOR: Addition: "Against Japanese
7 interests in lives."

8 A I should like to add before that sentence
9 a phrase, "if occasion presents itself," meaning that
10 if it was necessary to receive -- to counteract, we
11 would act positively. That is what I meant; and if
12 the occasion did not present itself, we would not
13 counteract.

14 Q May I repeat for the sake of clarity, you
15 mean to rise after some action has been taken against
16 you, not action to be taken without provocation?

17 A That word has a passive meaning.

18 Q Now may I refer to a passage in your affidavit
19 in which you quote as the words of Colonel SHIGETO,
20 "'We will expel Chang Hsueh Liang, the son of the late
21 Chang Tso Lin, from Manchuria and bring CHU, Chen to
22 Manchuria and install him as Governor of the three
23 Far Eastern Provinces.' Now, was this SHIGETO's own
24 idea, own personal idea, or was that an order from
25 the Japanese Government?

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1 A As I said a while ago, that name is a mis-
2 take. I did not say CHU, Chen but I said Chosei. I
3 will answer to your previous question now. The story
4 which I heard from Colonel SHIGETO was the leading
5 opinion prevailing in the General Staff circles.

6 Q Then it is not an opinion of the government
7 as a whole?

8 A In December 1931 I heard that the then
9 Premier INUKAI gave his consent to that opinion.

10 MR. YAMAOKA: No further cross-examination
11 by American counsel.

12 THE PRESIDENT: Mr. Helm.

13 MR. HELM: The prosecution desires nothing
14 further of this witness, your Honor.

15 THE PRESIDENT: Well, it is not for us to
16 suggest further re-examination. The witness may leave.

17 MR. HELM: I would like to call Mr. Ken
18 INUKAI at this time.

19 K E N I N U K A I, called as a witness on behalf
20 of the prosecution, being first duly sworn
21 testified as follows:

22 MR. HELM: It is prosecution's document
23 No. 11524.

24 MARSHAL OF THE COURT: Mr. President, the
25 witness has been sworn.

1 (Whereupon, MORI, Tomio
2 replaced SHIMADA, Masakazu as interpreter.)

3 DIRECT EXAMINATION

4 BY MR. HELM:

5 Q What is your name?

6 A INUKAI, Ken.

7 Q Have you made an affidavit in this case?

8 A Yes, I did.

9 Q Is this it?

10 A May I keep this copy?

11 Q No, I am afraid I have to introduce that
12 into evidence.

13 Q Do you read English?

14 A Yes, I can read English.

15 Q Did you read this affidavit in English?

16 A Yes.

17 Q Is that your signature thereon?

18 A Yes, it is.

19 Q Are the facts contained therein true?

20 A Yes, they are true.

21 MR. HELM: I offer prosecution's document
22 No. 11524 into evidence and ask it be appropriately
23 marked as prosecution's next in order.

24 CLERK OF THE COURT: Exhibit No. 161.

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THE PRESIDENT: Admitted.

("hereupon, prosecution's exhibit

No. 161 was received in evidence.)

MR. HELM: (Reading)

"I, INUKAI, Ken, do swear on my conscience
that the following is true:

7 "I am presently a member of the Diet. In 1931
8 and 1932 I was secretary to my father, Premier INUKAI.
9 On May 15, 1932 my father was not too well and I left
10 the official residence of the Prime Minister for a
11 short time to obtain a particular food deemed beneficial
12 to my father and while away on this errand I was ad-
13 vised by a messenger that the Prime Minister had been
14 shot by some Naval Officer. I immediately returned to
15 the official residence of the Prime Minister where I
16 found my father seriously wounded but still alive. He
17 told me that several young naval officers had forced
18 their way into the official residence and that one of
19 them had shot him.

"During my father's tenure of office as Prime Minister he was opposed to the extension of the Manchurian Incident and was in favor of having the Japanese Army withdraw from Manchuria. As secretary to my father, the Prime Minister, I read the minutes of discussions done in the cabinet meetings. I also

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1 discussed all matters before the cabinet with my
2 father, the Prime Minister. I also kept my father's
3 papers and records straight. I also handled my
4 father's correspondence. Several months after the
5 Manchurian Incident took place my father decided
6 that he, the Prime Minister, should recommend to the
7 Emperor that the Army be withdrawn from Manchuria by
8 an Imperial Rescript. Following this policy Prime
9 Minister INUKAI had an audience with the Emperor but
10 was not successful in having the Army withdraw from
11 Manchuria.

12 "Another policy of Premier INUKAI's was to
13 oppose the recognition of the puppet state of Manchu-
14 kuo as he considered such recognition a violation of
15 the sovereignty of China. Premier INUKAI was a close
16 friend of Dr. Sun Yat Sen, father of the Chinese
17 Republic, who had visited many times with Premier
18 INUKAI in Tokyo. In an effort to settle the Manchur-
19 ian problem my father, the Premier, had sent a secret
20 delegate to Nanking to talk with General Chiang Kai
21 Shek. This secret delegate communicated with the
22 Premier by code, which code, however, was inter-
23 cepted by the military.

25 "The Chief Secretary of the INUKAI Cabinet
was one MORI, Kaku, leader of the militarist faction

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1 of the Seiyukai Party. The aforesaid MORI advised me
2 many times that the Premier's antagonistic policy to
3 the Army and the military policy in Manchuria was very
4 dangerous for the Premier. During many of these con-
5 versations the aforesaid MORI stated to me that if
6 my father continued with his anti-military policy,
7 his life would not be safe.

8 "Further cause for opposition from the
9 military as expressed by the aforesaid MORI was the
10 policy of the INUKAI Cabinet to reduce the Army
11 budget. This policy was also opposed by the War
12 Ministry. At that time the War Minister was General
13 ARAKI, Sadao; the Vice-Chief of the General Staff was
14 General MAZAKI, Jinzaburo; the Chief of the Military
15 Affairs Bureau was General KOISO, Kuniaki; and the
16 Vice Minister of War was General YANAGAWA, Heisuke.

17 "On May 8, 1932, my father, Premier INUKAI,
18 delivered an anti-militaristic speech at Yokohama in
19 which he condemned Fascism and praised the Democratic
20 way. He was assassinated one week later in the offi-
21 cial residence of the Prime Minister in Tokyo in what
22 was afterwards known as the May 15 Incident." Signed
23 "Ken INUKAI."

24 MR. HELM: You may ask.
25 (Whereupon, SHIMADA, Masakazu

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replaced MORI, Tomio as interpreter.)

CROSS-EXAMINATION

BY MR. SUGAWARA:

Q At the time of the Manchurian Incident, what, Mr. Witness, are your recollections with respect to the relations between China and Japan?

A As the whole world knew, the relations between Japan and China in Manchuria were not satisfactory at that time.

Q Do you know, Mr. Witness, that as a result of the anti-Japanese and insult to Japanese movements, there were several hundred pending diplomatic questions existing between Japan and China?

A Yes, I know; and I should like to add that to us students of Sino-Japanese relations, it is necessary to study, reflect upon and study, the relations between China and Japan in order to find out the real cause of the conflict.

Q At that time the situation was extremely tense and this tense situation exploded, breaking out into a fire which spread widely. Wasn't your father, Premier INUKAI, then devoted to exerting efforts on how to extinguish that fire?

A Yes, that is right. Not only did he endeavor to check the spreading of such an unfortunate incident,

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1 but also he endeavored to find out the real cause of
2 it so that he can eliminate it.

3 THE PRESIDENT: Counsel should put short
4 questions without any prefatory statement.

5 Q Of course, your father paid special attention
6 to the construction or organization of the Cabinet
7 with such an idea in mind; but what was the position
8 of the Finance Minister TAKAHASHI?

9 A I can't grasp the meaning of your question.
10 Would you mind making it more precise?

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Q Is it proper for me to make this interpretation of the construction of the cabinet headed by your father, Premier INUKAI, that he had not only taken the office of Prime Minister, but that he also concurrently held the post of Foreign Minister, and that he had as his Finance Minister an able veteran, TAKAHASHI, this to settle the Manchurian Incident by extinguishing the fire which had been started there? Is my interpretation correct?

A As to the appointment of Mr. TAKAHASHI as Finance Minister, I consider it as a different question. He was appointed Finance Minister in order for him to rectify the policy of deflation, correct the policy of deflation, adopted by the previous cabinet. As to the policy towards China, it is an entirely different matter, --

MONITOR: Instead of "China" it should be "Manchuria."

WITNESS: (Continuing) -- of which the Premier himself was an expert.

Q It is a fact that Finance Minister TAKAHASHI had quite a bit of interest in the economic problems of Manchuria?

A I should like to ask you again to repeat the question. However, as a matter of principle,

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1 it was only natural that a Finance Minister of the
2 Japanese Government was interested in the relations
3 between Japan and Manchuria, because of Manchuria's
4 geographical position, and this does not apply only
5 to Finance Minister TAKAHASHI.

6 Q Turning to another question: shortly after
7 the formation of the INUKAI Cabinet, the three prin-
8 ciples of the Manchurian policy was created. Are you
9 familiar with it?

10 A As it is something which happened a long
11 time ago, would you read those principles to me here?

12 THE PRESIDENT: We cannot see the bearing of
13 all this cross-examination on any issue that we have
14 to try.

15 Q Then, do you know what was contained in the
16 military budget during the five months of the INUKAI
17 Cabinet?

18 A It is not in my memory right now, but de-
19 fense counsel can refresh my memory if he wishes to.

20 Q In my understanding, the expenditures for
21 the purpose of speedily restoring peace and order
22 in the Chinchow area, and also to settle the incident
23 which broke out in Shanghai in the following year,
24 in my understanding, the expenses covered nothing
25 else. Is that true?

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1 A Although I don't remember exactly that
2 matter, I would be able to answer any other questions
3 related to that matter.

4 Q I should like to have you amplify upon your
5 opinion, which you state in your affidavit, wherein
6 you stated that your father, Premier INUKAI, had
7 opposed the extension or spread of the Incident in
8 Manchuria, and that he favored the withdrawal of
9 Japanese troops. Now, as a politician, I should
10 think you would realize that when war breaks out, or
11 when hostilities break out, it is not so simple to
12 withdraw troops. What is your opinion on that point?

13 THE PRESIDENT: We do not want it.

14 Q With reference to the three main principles
15 of the Manchurian policy, the object of that policy
16 was with reference to Marshal Chang Hsueh Liang;
17 secondly, to maintain law and order; and, thirdly,
18 to confine the area to that which was under the
19 jurisdiction or influence or control of Chang Hsueh
20 Liang, and the budget was made simply to settle this
21 issue, was it not?

22 THE PRESIDENT: That is a statement; not
23 a question, and the witness need not reply. We
24 will have to do something to make these Japanese
25 counsel put questions and not make speeches.

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1 Q In your affidavit you state that your
2 father, Premier INUKAI, had dispatched a secret
3 emissary to Nanking to negotiate with Chiang Kai-
4 Shek. What was this about?

5 A The reason why the secret emissary was
6 dispatched to China was -- the purpose of it was --
7 to re-establish on a normal basis Sino-Japanese re-
8 lations, which was a prerequisite for settling the
9 Manchurian Incident. Therefore, my father sent an
10 emissary to General Chiang Kai-Shek, who was the
11 actual leader of China at the time, and who was his
12 personal, intimate friend.

13 Q Who was the emissary, and what was his
14 mission?

15 A The emissary was Mr. KAYANO, Chochi, a
16 friend of Dr. Sun Yat Sen since the first revolution,
17 a friend of Chiang Kai-Shek, and of my father.

18 Q What was his mission?

19 A He had two missions: one, to eliminate the
20 fundamental causes of unfortunate incidents which were
21 happening between China and Japan; and the second
22 mission was to find out practical measures to ter-
23 minate resistance or hostilities in Manchuria as
24 speedily as possible.

25 Q There seems to be a bit of inconsistency in

1 what you have stated, Mr. ~~Witness~~. You say that
2 your father was of the opinion that the Japanese
3 Army should withdraw from Manchuria, and that could
4 be done if the Japanese Army would. But you say that
5 an emissary was sent to China to have the war
6 stopped from the Chinese side in Manchuria.

7 THE PRESIDENT: That does not involve any
8 inconsistency. It is terrible to have to make these
9 comments, but something has to be done to shorten
10 this case, to eliminate unnecessary questioning.

11 Q May I ask you whether the then War Minister
12 ARAKI was acquainted with these military movements?

13 THE PRESIDENT: How could he know? He might
14 or he might not.

15 A Although I can't make definite testimony
16 about that, because of lack of memory, I can say
17 something about that.

18 Q If you know what kind of a feeling Premier
19 INUKAI entertained toward General ARAKI, I would
20 like to know.

21 A Frankly speaking, he didn't seem to have
22 been thinking that General IRAKI, the then War Minis-
23 ter, was a man who was able to control all the
24 younger officers who were in favor of spreading in-
25 cidents in Manchuria.

1 INTERPRETER: Correction please: control
2 the younger officers who were the motivating force to
3 spread incidents in Manchuria.

4 Q Then may I say that your statement recog-
5 nizes the fact that such conditions could not be
6 stopped and that the spread of such incidents could
7 not be prevented by the efforts of one man alone, but
8 that General ARAKI had made every effort to prevent
9 the spread of the Incident?

10 A I believe that War Minister ARAKI was en-
11 deavoring to check the spreading of this unfortunate
12 Incident.

13 THE PRESIDENT: No further cross-examination?

14 MR. SAMMONJI: Mr. President, I am SAMMONJI,
15 Shohei, counsel for defendant KOISO.

16 CROSS-EXAMINATION (Continued)

17 BY MR. SAMMONJI:

18 Q In your affidavit, Mr. Witness, you state
19 that your father was very intimate with the father
20 of the Chinese Republic, Dr. Sun Yat Sen, and that he
21 had come to Tokyo frequently as a guest of your
22 father's. What was the meaning of Dr. Sen's visit?

23 A The major reason for it was that he was an
24 exile from the Chin Dynasty and it was dangerous for
25 him, for his life, to go back to China.

1 Q In your affidavit you say that Sun Yat Sen
2 had come frequently to Tokyo. Didn't he have any
3 other motive other than that he was an exile?

4 A The reason I stated previously was the
5 negative reason, so to speak, and the positive reason
6 of his visit to Japan was that he was looking for a
7 safe place where he could prepare a revolution, demo-
8 cratic revolution, in China, and that is why he came
9 to Osaka and Tokyo.

10 Q Is that all of the motives of Dr. Sen in
11 coming to Japan?

12 A It sounds like a leading question to me, and
13 you have something in mind. Wouldn't you put the
14 question to me more straightforwardly?

15 Q I am the one who is asking the question and
16 not you, but now I will ask you the next question.
17 One of the principal reasons for Dr. Sen's visit to
18 Japan was for the purpose of promoting Sino-Japanese
19 collaboration, was it not, that China and Japan
20 must work together.

21 A Now I understand your question well. Your
22 question was somewhat not true to the fact. Dr. Sen
23 came to Japan -- it is true that Dr. Sun Yat Sen
24 came to Japan in order to find a place of safety.
25 However, as he came over to Japan repeatedly he made

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1 the acquaintance of my father and other people, with
2 whom he became close friends, and it was during the
3 time of his intercourse with them that he deepened
4 his confidence that cooperation between China and
5 Japan should be attained.

6 MONITOR: Instead of "should be attained;"
7 "it is possible to be attained," and in addition:
8 "he was introduced to my father as Chinese."

9 Q Are you familiar with Dr. Sen's ideas about
10 the internal policies of China?

11 THE PRESIDENT: We have heard enough about
12 Dr. Sen and his ideas. We will recess now until
13 thirty minutes after one.

14 (Whereupon, at 1200, a recess was
15 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess,
at 1330.

DEPUTY MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Is there any business?
What about this motion that we adjourned until
one-thirty?

10 MR. JUSTICE MANSFIELD: The prosecution is
11 prepared to proceed with the application if the
12 Tribunal desires it to proceed at this stage.

13 THE PRESIDENT: This application is made in
14 pursuance of the amendment. Mr. Justice Mansfield,
15 have you anything to add?

16 MR. JUSTICE MANSFIELD: The four documents
17 referred to: The first one, as the Tribunal will
18 see, is an official record consisting of, it says
19 in the copy, sixty-four volumes -- in fact, it is
20 sixty-five volumes, approximately 750 pages in each
21 volume. The only portion of the whole of the record
22 of those trials which the prosecution desires to use
23 is the transcript of the complete evidence of the
24 defendant OKAWA. That has been copied, translated,
25 and has been served on the defendants. And the

1 prosecution has the whole record available and will
2 produce it in court if the Court desires it to be
3 produced, or if the defense asks for any other of
4 the volumes.

5 The Tribunal will see that if the provisions
6 of Rule 6b have to be complied with and if thirty
7 copies have to be made of the whole of the record,
8 which is a very small number which may have to be
9 made, the total number of pages will be about one
10 and a half million. And the printing or copying
11 of any other portion of the record, it is submitted,
12 would be entirely useless and irrelevant, and the
13 mechanical problem involved would be great even if
14 we were perfectly equipped in Tokyo. It is, there-
15 fore, submitted that the Tribunal will dispense with
16 the strict compliance with Rule 6b with regard to
17 that volume, in view of the fact that no possible
18 use could be made of any other portions of the record,
19 and the particular portion which the prosecution in-
20 tends to use has been in the possession of the de-
21 fendants for over a week already.

22 The second document is the official record
23 of individuals connected with threatening incidents.
24 It is a Japanese record, and it contains the names
25 and records of the persons involved. All that the

1 prosecution desires to use in that is the list of
2 names, omitting the records of the particular persons,
3 some of the persons named, of course, being some of
4 the accused.

5 The third document is the official record
6 entitled "Directory of All Political and Patriotic
7 Organizations of the Showa Period," and the pro-
8 secution desires to use extracts covering four or-
9 ganizations which are self-contained and are not
10 qualified or referred to or dealt with in any other
11 part of the book, with the exception of the part
12 which the prosecution is putting in evidence. The
13 record of each **society** named is complete within
14 itself, and, therefore, it is submitted that the
15 mere fact that it is contained in a larger volume
16 containing other matter does not take it out of the
17 class of itself being a complete document. That is,
18 the record of the Black Dragon Society is a complete
19 document in itself, and it is submitted should be
20 viewed as one document. The same with the other so-
21 cieties.

22 The fourth document is an excerpt from
23 the regulations of the Imperial Rule Assistance Asso-
24 ciation, the complete document consisting of ap-
25 proximately 500 pages. The excerpt which the

1 prosecution desires to offer is contained in 19
2 pages, and is a portion of the regulations showing
3 the scope of the activities of the Association. It
4 is submitted that the use of the particular portion
5 of these regulations will not in any way interfere
6 with the conduct of the defense because they are regu-
7 lations which should be able to be obtained else-
8 where, or reference books should be able to be ob-
9 tained elsewhere, from which the defense may study
10 any other parts of the regulations which they desire
11 to study.

12 The prosecution is prepared to make available
13 whatever time the Court, the Tribunal, thinks fit
14 before the document is produced in evidence, the com-
15 plete document, by depositing it with the registry.
16 Reference can then be made by the defense to the
17 complete document in the registry.

18 The Tribunal will see that if the prosecu-
19 tion is required to comply with the rule literally
20 it will probably become overwhelmed by a sea of docu-
21 ments -- not only the prosecution but the Tribunal
22 itself and also the defense. If the rule is strictly
23 enforced it will mean that possibly ninety per cent
24 of the time, effort, and material used in the pro-
25 duction of the whole of these volumes will be

1 absolutely useless as far as the conduct of the
2 trials here is concerned.

3 THE PRESIDENT: Mr. Justice Mansfield, when
4 do you intend to use these excerpts in the course
5 of the trial?

6 MR. JUSTICE MANSFIELD: The ones contained
7 in this particular application are proposed to be
8 used fairly soon.

9 THE PRESIDENT: What opportunity will the
10 defense have of perusing the balance of the document
11 in each case?

12 MR. JUSTICE MANSFIELD: Well, with regard
13 to these particular documents they will not have
14 very much opportunity. But they could be, if necessary,
15 put in at a later stage if the Court rules they should
16 have a further opportunity of doing so.

17 THE PRESIDENT: They will need a certain
18 amount of time which will vary according to the size
19 of the document. The position may be met by post-
20 poning the cross-examination, or recalling the witness.

21 MR. JUSTICE MANSFIELD: It will not be pro-
22 duced by witnesses, and the point that arises which
23 I think is an important one is that if the defense
24 desires to put in any other portion of the book, they
25 may do so when the time for the defense arrives,

1 which will probably not be this week or next week.
2 Consequently, they will have between now and the time
3 when the defense commences to peruse the book, or
4 the books which are put in, and they will then be
5 able to put in any other portions which have not
6 already been produced by the prosecution; they will
7 be able to make them part of their case. And they
8 will have ample time to peruse the books. It is
9 not as if they are being cut off now by not being
10 able to cross-examine because the books will not
11 be put in through a witness.

12 THE PRESIDENT: Mr. McCormack.

13 MR. McCORMACK: If the Tribunal please, I
14 have a few comments on this motion that may be of
15 benefit to the Court.

16 Now, the first thing is about the service
17 of these documents on defense counsel. I got my copy
18 at the adjournment at eleven o'clock. It was laid
19 on my desk between then and when I came into Court
20 this morning. I have particular reference to this
21 application that counsel has just referred the Court
22 to. This is the thing I am talking about. I got it
23 at eleven o'clock on my desk.

24 Now, probably one solution to this might be
25 to have the prosecution serve these copies on, for

1 instance, the administrative officer of our section.
2 That would save its going through a number of hands
3 of people -- as it evidently does -- who have no in-
4 terest in it, and which just delays the time for our
5 getting it. I believe that suggestion would save
6 probably a half day in routine distribution from
7 Mr. Schwartz' office, whoever he is, down to our
8 particular offices.

9 THE PRESIDENT: Your administrative officer
10 will accept service on behalf of all the accused
11 and their counsel?

12 MR. McCORMACK: We are now giving receipts
13 for these to somebody as they are delivered to us --
14 our office I mean. We have a young lady who is giving
15 somebody individual receipts, and it is my thought
16 that those receipts should be appended to the orig-
17 inal, showing the time of service and the day served.

18 Before I go on to another point, has the
19 Tribunal any thought that it would like to express
20 on that question of service at this time?

21 THE PRESIDENT: If you have an administrative
22 officer who will accept service on behalf of all the
23 accused and their counsel, that should be the end
24 of the trouble.

25 MR. McCORMACK: We will so advise the

1 prosecution, who to serve these copies on, is that
2 right?
3

4 THE PRESIDENT: All the prosecution has to
5 do, according to you, is deliver the documents to
6 this administrative officer who will give a receipt
7 showing the time of receipt, and that receipt will be
8 appended to the original document and filed with the
9 secretary.

10 MR. McCORMACK: I guess it is understood by
11 both sides.

12 MR. JUSTICE MANSFIELD: If the Tribunal
13 pleases, there is a distinction between the service
14 of two different types of documents, court exhibits
15 and court applications. Copies of court applications
16 are delivered to Lieutenant Schwartz of the Secretar-
17 iat who is responsible for the delivery of the copies
18 to the defendants. With regard to exhibits which we
19 desire to introduce, we serve those directly on the
20 administrative office of the defense and we obtain
21 receipts. And we have obtained receipts for every
22 document which we have delivered, setting out the
23 time and the numbers of documents delivered.

24 THE PRESIDENT: Why can't you use the ad-
25 ministrative officer for both sets of documents?

26 MR. JUSTICE MANSFIELD: We are merely

1 complying with the rules.

2 THE PRESIDENT: We will amend them if nec-
3 essary.

4 MR. JUSTICE MANSFIELD: We have complied with
5 the rules, and applications are not accepted unless
6 they are accompanied by fifty copies of the motion
7 or application.

8 THE PRESIDENT: The rules themselves allow
9 us to waive them in special cases.

10 MR. JUSTICE MANSFIELD: Yes. But we have
11 been complying with the rules, and as I say, this
12 particular application was served yesterday morning,
13 or copies were given to Lieutenant Schwartz yesterday
14 morning.

15 THE PRESIDENT: Will it help you if we
16 waive the rule to that extent that the administra-
17 tive officer should receive both sets of documents?

18 MR. JUSTICE MANSFIELD: Is there any reason
19 why we should not be able to do it that way? There
20 is only the difference of taking them to the admin-
21 istrative officer rather than to the Court.

22 THE PRESIDENT: Would you prefer that, Mr.
23 McCormack?

24 MR. McCORMACK: Such an order? We will
25 do it.

1 THE PRESIDENT: No, It is merely a direc-
2 tion from the Court. Well, we will give that direc-
3 tion.

4 MR. McCORMACK: Now, if the Court please,
5 this application is evidently filed at the suggestion
6 of the Court here the other day; and it is my recol-
7 lection that the important part about this application
8 is not shown, and that is that the Court has to decide
9 that the balance of the information that is not intro-
10 duced in evidence is unnecessary and irrelevant in
11 the case. Now, there is nothing in the application
12 outside of just a statement of counsel that it is
13 irrelevant.

14 I think there is only one answer to that,
15 and that is the availability of the whole instrument
16 to defense counsel for examination. It is only in
17 that way that we can have any opportunity; and,
18 of course, if we are given that opportunity we
19 should be given a sufficient time, depending on the
20 length of the document. I understand these particu-
21 lar documents are all in Japanese.

22 Now, the next important in the general pic-
23 ture of the documents is that we must be absolutely
24 sure that they are genuine. In other words, if the
25 original documents themselves are not here, there

1 should be some certificate of genuineness of some
2 shape appended.

3 THE PRESIDENT: We understand the originals
4 will be in the court or in the registry.

5 MR. McCORMACK: Now, more particularly as
6 to the documents set out in this application I would
7 like to say a word or two. The first document is an
8 official record of a criminal case in the criminal
9 courts in Tokyo affecting probably six defendants,
10 and this document or parts of that entire court pro-
11 ceeding are being offered. It seems that from an
12 index on the front of it there have been six days of
13 trial, and this particular part is the third day
14 of the trial, from pages 498 to 600, that is being
15 offered.

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MR. McCORMACK: Counsel speaks of sixty-five volumes, and yet the index that he is putting in evidence is from pages 1 to 786 which appears to be the whole Court proceeding. And what they are introducing in evidence are excerpts only from pages 498 to 600.

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Now, one of the important things for defense counsel is, first, when a situation like this arises, to say to himself, "Is my client interested in the thing? What is the purpose of this? Maybe I don't have to go through sixty-five volumes. Maybe I am not interested. What is the purpose of introducing this document?"

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I don't know, and there is nothing in the opening statement to this phase to tell us. Maybe that will save time of defense counsel. Who is being charged by the introduction of this particular document, the defendant OKAWA, who was a defendant in that case, or any of the other defendants in this particular proceeding?

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THE PRESIDENT: They propose to tender the whole of OKAWA's evidence which comprises only twenty pages; not part of his evidence, but the whole of his evidence. That comprises only twenty pages out of sixty-four volumes each of seven

1 hundred fifty pages. What more could be of any use
2 in that case? You get the whole of OKAWA's evidence;
3 not excerpts from his evidence, but the whole of
4 his evidence.

5 MR. McCORMACK: Your Honor is instructing
6 the prosecution to put the whole of his evidence in?

7 THE PRESIDENT: That is what they are
8 doing.

9 MR. McCORMACK: No, just the excerpts.

10 THE PRESIDENT: The excerpt desired to
11 be used by the prosecution is a complete transcript
12 of the evidence of the said OKAWA and consists of
13 approximately twenty pages.

14 MR. McCORMACK: I think, if the Court will
15 check the document, the deduction would be, from
16 the way their pages are set out, that it is not a
17 complete transcription because they are referring to
18 pages.

19 THE PRESIDENT: Well, I am looking at their
20 application.

21 MR. McCORMACK: There is a possibility
22 that may be different. Probably the prosecution
23 can tell us just exactly what this is.

24 THE PRESIDENT: If the application is
25 correct, you really cannot resist the application

1 in respect to the first document, Mr. McCormack.

2 MR. JUSTICE MANSFIELD: I was misinformed
3 when the application was drawn. It is not, as I
4 understand, the complete testimony of OKAWA. There
5 is a certain portion of his cross-examination left
6 out, and that was due to a misunderstanding and by
7 no means with intention to mislead. If the Court
8 requires it, we will have to put in the extra
9 amount, of course.

10 THE PRESIDENT: How much is left? How
11 many pages are left?

12 MR. JUSTICE MANSFIELD: All we are trying
13 to say is, the part that we have actually repro-
14 duced. I understand there is another smaller volume
15 which contains OKAWA's cross-examination but which
16 we have not yet had translated.

17 THE PRESIDENT: Perhaps you should give
18 them the cross-examination -- all of it.

19 MR. JUSTICE MANSFIELD: I was certainly
20 under a misapprehension because I thought that the
21 whole of the evidence was there, and I can quite
22 understand that the whole of the evidence should be
23 there if part of it is being put in.

24 THE PRESIDENT: You would be satisfied to
25 get the whole of OKAWA's evidence?

1 MR. McCORMACK: I cannot hear the Court.

2 THE PRESIDENT: You would be satisfied to
3 get the whole of OKAWA's evidence?

4 MR. McCORMACK: Well, if the Court please,
5 you understand I know nothing about what the rest
6 of the volumes contain -- whether there is other
7 evidence in there, I don't know, or other testimony
8 that might have rendered his evidence unbelievable,
9 for all I know.

10 THE PRESIDENT: Those volumes will be made
11 available to you in the Registry. That ought to be
12 sufficient. I do not see how we could direct the
13 prosecution to do more for the time being.

14 MR. McCORMACK: May I understand this,
15 then? The prosecution will furnish defense counsel
16 with the balance of OKAWA's testimony, and then we
17 will take it up after we get that, and these original
18 documents will be available for inspection by defense
19 counsel also?

20 THE PRESIDENT: Yes. That determines the
21 first thing.

22 MR. JUSTICE MANSFIELD: I ask the Tribunal
23 to give a ruling, sir, that we may have a guide in
24 future cases with regard to this. We are quite
25 prepared, and we realize, and it is only fair,

1 that they should have the whole of OKAWA's evidence.

2 THE PRESIDENT: Mr. Justice Mansfield, you
3 asked for a ruling. Just what kind of ruling? We
4 are now prepared to exempt you from copying the
5 whole of the volumes on condition that you give the
6 whole of OKAWA's evidence to the defense and make
7 available all the volumes for their perusal.

8 MR. JUSTICE MANSFIELD: Yes. But what I
9 was speaking of was the suggestion of the counsel
10 for the defense that they would take it up again
11 later when they had got what the Court had ordered
12 so that they could renew their application apparently
13 at some later date; that this is not a final ruling.

14 MR. McCORMACK: My last statement was just
15 a desire to have a definite understanding on that,
16 if the Court please.

17 Now, on the documents: In No. 2, relative
18 to threatening incidents, the whole document con-
19 tains names and records of persons involved in
20 assassinations. Now, in this particular document
21 they served copies of on defense counsel, there are
22 eleven pages of solid names following dates of
23 particular incidents. The only record, and they do
24 put a record in, is a record of OKAWA on the last
25 page.

1 A perusal of these names indicates, I think,
2 that none of these persons named are defendants
3 here, and I would just like to have some idea as
4 to what the purpose of it is. They cannot connect
5 up the defendants here with hundreds of other people
6 that are not defendants here. Likewise, there is
7 no indication, as in every other instance, of what
8 the purpose of the document is. That causes defense
9 counsel to be in a furore. They don't know whether
10 it will be held against their client without them
11 named in it, and it sort of puts us in a position
12 where we are groping in the dark, so to speak.
13

14 This particular document, being filed as
15 is without records -- only counsel's words; there are
16 100 pages. I would like to have the entire 100
17 pages put in evidence here so we can see what thieves
18 and murderers these people are who are not defendants
19 in this case.

20 THE PRESIDENT: It is difficult to see what
21 value names without records are going to be.
22

23 MR. McCORMACK: I cannot hear the Court.
24

25 THE PRESIDENT: It is difficult to see
what is the value of having names without records.
24

25 MR. JUSTICE MANSFIELD: It is, of course,
rather difficult at this stage of the case, which

1 is only just started, to realize the full import
2 of every piece of evidence. This case is like a
3 jig-saw puzzle; and, as the pieces fit in, the
4 picture becomes plain at the end. We certainly
5 regret that it is not part of the prosecution's
6 duty to analyze each document for the defense. If
7 they are unable to grasp the significance of a
8 document, then I submit it is not the fault of the
9 prosecution.

10 The Indictment clearly states that the
11 accused are not the only persons who are concerned
12 in the alleged conspiracy. It alleges divers
13 other persons. And, if the Court is ready to
14 accept the defense's statement that the persons
15 named in this statement are thieves and murderers,
16 we have gone a long way towards proving our case
17 because we can link a number of these accused with
18 these persons.

19 And I would just point out finally that
20 the defense is not precluded from seeing the
21 records of these people. The document itself
22 will be produced and will be with the Tribunal, and
23 they will have possibly weeks, maybe longer, to
24 peruse the document before the time comes for them
25 to present their defense, and they will get all the

1 information they require.

2 MR. McCORMACK: The main thought there was
3 that, inasmuch as the document is only one hundred
4 pages, I think all documents of one hundred pages
5 should be put in here. The first thing we know,
6 they will get down to documents of five or six
7 pages, and they are trying to go on a fishing
8 expedition to see how much they can get away with
9 in this case without putting in evidence.

10 Incidentally, under Article 13 of the
11 Rules, section b, under the title "Relevance:
12 The Tribunal may require to be informed of the
13 nature of any evidence before it is offered in
14 order to rule upon the relevance" thereof. And
15 I think that if there is any time when that
16 section of the rules should be enforced, it should
17 be enforced at this particular time when counsel
18 even sits down there and refuses to give us any
19 reason why they are introducing these things.

20 In their opening statement for the second
21 phase --- I have gone through it paragraph by para-
22 graph; I've been trying to keep up to this case
23 with that -- and I cannot find anything mentioned
24 in there of anything that this has to do with it.

25 I think the Court must also look at it

1 this way: OKAWA, who is mentioned -- of all the
2 defendants, he is the only one in this document,
3 this document No. 1659, this list of names. He is
4 in the hospital. In the next month or two he is
5 liable to pass away, and all of this reflects on
6 the other defendants when it is very evident that
7 his record is the only one in here. I don't think
8 this should be hanging over the other defendants
9 without some statement from counsel definitely on
10 it.

11 THE PRESIDENT: That is quite beside the
12 point.

13 MR. McCORMACK: Now, on No. 3, it is
14 suggested by the defense that they not only list
15 these four associations, but, if they cannot put
16 the balance of this record in, they should at least
17 give us the names of the other organizations -- they
18 may be organizations that would counteract those --
19 so we will know what is going on here.

20 THE PRESIDENT: I suppose there are lots
21 of organizations that counteract others, as
22 various Christian churches, but you don't want
23 their constitutions.

24 What have you to say about the fourth one?
25 MR. McCORMACK: Now, No. 4, "Imperial Rule

1 Assistance Association," is a document of five
2 hundred pages, and they put in nineteen. The least
3 they can do there would be to give us a synopsis of
4 the balance of the four hundred eighty-one pages.
5 If it only took a page, they could at least tell
6 us what is in there. For instance, they don't even
7 give us the names of the officers. It may be
8 implied that all these defendants in the box up
9 here were officers in that Association. At least
10 there is an implication. If they could put in the
11 scope of the activities, they can show us whether
12 the defendants here were members.

13 Now, lastly, I want to draw the Court's
14 attention to the fact that probably ninety-five
15 percent of defendants' evidence in the form of
16 documents has been confiscated by the army. They
17 have got our evidence, and they are sitting on it
18 in their office. That is what it amounts to.

19 THE PRESIDENT: That is another matter.

20 MR. McCORMACK: That is a question of
21 what we are going to do about it.

22 THE PRESIDENT: Let us deal with this
23 application.

24 MR. McCORMACK: Counsel tells me we have
25 access to these documents.

1 THE PRESIDENT: We are dealing now with
2 another application. We want to deal with this
3 matter first.

4 The Court has decided to grant the
5 application with the modification that, of course,
6 the whole of OKAWA's evidence must be given to
7 the defense and all the originals must be avail-
8 able in ample time to enable the defense to peruse
9 them. They will be available in the Registry.

10 MR. McCORMACK: We may have a problem of
11 transcription. I suppose the Court will take that
12 into consideration, too, of these Japanese docu-
13 ments?

14 THE PRESIDENT: You would have no difficulty
15 with all your Japanese counsel who are able to read
16 the documents.

17 MR. McCORMACK: Does the Court suggest we
18 present a separate motion on this question of the
19 confiscation of records, by the army here, of the
20 defendants?

21 THE PRESIDENT: I think you should come
22 prepared with such a serious allegation.

23 MR. McCORMACK: I tried to get certain
24 documents today.

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THE PRESIDENT: I do not care to listen
to an allegation of this kind unless there is a
motion before us. Confiscation of documents by the
army is a very serious charge. I do not believe it.
They may be holding documents for legitimate rea-
sons.

MR. JUSTICE MANSFIELD: The only docu-
ments which have been taken are official government
records, and they have been made available for the
prosecution, that is, the ones that were not burned
at the time of surrender, and we are very interested
in those. There are still five per cent which we
have not got. They are probably some of the most
important documents, but with regard to this trans-
cription question which was just raised, as the
Tribunal has said, there are Japanese counsel avail-
able for the defendants, and I think that it is
worthwhile mentioning also to the Tribunal that
Dr. KIYOSE was counsel in that particular case and
attended each day, and so he probably knows more
about it than even we do.

THE MONITOR: Did the Justice say five per
cent or five volumes?

THE OFFICIAL COURT REPORTER: Five per
cent.

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1 THE PRESIDENT: You may proceed now with
2 the cross-examination of the witness.

3 - - -

4 K E N I N U K A I , called as a witness on behalf
5 of the prosecution, resumed the stand and testi-
6 fied as follows:

7 CROSS EXAMINATION (Continued)

8 BY MR. SAMMONJI:

9 Q In your affidavit, Mr. Witness, you said
10 that your father, Premier INUKAI, had opposed the
11 spread of the Incident and that he had approved the
12 withdrawal of Japanese troops. By the withdrawal
13 of Japanese troops -- by that did he mean all
14 Japanese forces?

15 A According to my interpretation, the troops
16 which were necessary to guard the Southern Manchurian
17 Railway line were excluded from the troops to be with-
18 drawn, as it was approved by the treaties and conven-
19 tions which -- agreements which existed at that time.
20 The second point -- hypothetical point -- if the
21 Nanking government approved of the presence of Japan-
22 ese troops after having discussed the matter with the
23 Japanese side, that is, after Chiang Kai-Shek and the
24 Japanese side -- having discussed the matter on an
25 equal footing -- that would have been recognized too.

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1 Furthermore, the stationing of the troops in that
2 area was only a temporary measure, and as soon as
3 a normal situation would have been restored, those
4 troops -- as soon as a normal situation are restored
5 those troops would have been withdrawn.

6 Q In your affidavit, Mr. Witness, you say
7 that you have stated that you had read the minutes
8 of the discussions done in the cabinet meetings.
9 Are there such things as records of cabinet meet-
10 ings?

11 A There was no official records of cabinet
12 meetings.

13 Q What about the records that you speak of
14 in your affidavit?

15 A By these are meant, and I am sure the
16 prosecution has also taken it that way, that the
17 matter refers to the expenses of the Manchurian
18 Incident and official wires -- cables received by
19 the Foreign Office.

20 Q Granted that that sort of record existed,
21 was it not the duty of the Secretary General of the
22 Cabinet --

23 THE MONITOR: Chief Secretary -- Chief
24 Secretary of the Cabinet to deal with the records?

25 A There are two kinds of documents: Those

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1 which are sent to the Chief Secretary of the Cabi-
2 net, and those which are placed at the disposal of
3 the Prime Minister himself.

4 Q In your affidavit you also said that I
5 handled all the problems before they were presented
6 to the cabinet meeting with my father.

7 A Before matters were presented to cabinet
8 meetings, discussions were held on the subject --
9 on various matters between my father and MORI, Kaku.
10 These meetings I also attended on occasion, and if I
11 had not heard of anything from my father, I would have
12 heard from the Chief Secretary, and also if there was
13 anything that my father would find difficult to dis-
14 close to MORI, he would tell me. There were also
15 occasions when MORI spoke to me about subjects which
16 he thought he found difficult to speak directly to
17 my father. To state my conclusions on the matter, I
18 should say that if the question were had I seen all
19 the documents without exception, then there would be
20 doubt, because I have not. However, if it is a ques-
21 tion that whether I had heard or had been informed --
22 heard directly or had been informed of various dis-
23 cussions and arguments, and documents pertaining to
24 important matters, then I can say that I have.
25

Q No, you misunderstood my question. In

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1 reading your affidavit I understood that you also
2 discussed all matters with your father. I am ask-
3 ing you about that.

4 A Yes, now I understand your question quite
5 well. If the question were to be strictly inter-
6 preted legally, so to speak, then there might be
7 exceptions when I speak of saying that my father
8 discussed all matters with me; but I should say, that
9 on many and most all important matters he asked for
10 my opinion. Now, if what the defense counsel
11 means or inquires about this matter is that whether
12 I had discussed matters with the Prime Minister as
13 private secretary, on an equal footing, then there
14 is some little difference in your interpretation.

15 Q What I was worried about was the leakage
16 that might have occurred as a result of your father's
17 talks with you.

18 THE PRESIDENT: We propose to ask you
19 after the recess what use this cross-examination is.
20 It may have some value, but none of us can see what
21 value it has.

22 We will recess now for fifteen minutes.

23 (Whereupon, at 1445, a recess was
24 taken until 1505, after which the proceed-
25 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. SAMMONJI: I should like to say this to
4 your Honor. All what I am asking to the witness is
5 based upon what is written in his affidavit. I have
6 another question to ask and this will be my last
7 question.

8 CROSS-EXAMINATION (Continued)

9 BY MR. SAMMONJI:

10 Q In your affidavit you stated that at that
11 time the War Minister was General ARAKI, Sadao; the
12 Vice-Chief of the General Staff was General MAZAKI,
13 Jinzaburo; the Chief of the Military Affairs Bureau
14 was General KOISO, Kuniaki; and the Vice Minister of
15 War was General YANAGAWA, Heisuke. However, at the
16 time General YANAGAWA assumed the post of Vice
17 Minister of War, General KOISO had already resigned
18 from the post of Chief of the Military Affairs Bureau.
19 Was it not a mistake on your part?

20 A May I reply? Perhaps my recollection is
21 mistaken with reference to the name of the Vice
22 Minister of War. It may have been General SUGIYAMA,
23 who was Vice Minister then. However, it remains in
24 my recollection that General KOISO was Chief of the
25 Military Affairs Bureau.

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1 Q Does that mean that it was a mistake to
2 state that General YANAGAWA was the Vice Minister
3 of War?

4 I could not get the first part of your
5 question in Japanese. I am sorry.

6 (Whereupon, the question was
7 repeated in Japanese.)

8 A Yes, that is so. May I add one word? A
9
10 little while ago counsel asked me that my handling
11 of official documents was tantamount to the leakage
12 of official secrets. That is entirely mistaken.
13
14 May I give two reasons?

14 THE MONITOR: Addition to that: "Private
15 secretary."

16 A (Continuing) To maintain secrets was one
17 of the most important duties of the private secretary
18 of the Prime Minister. Second, may I also state as
19 a second reason that one or two private secretaries
20 of the Prime Minister before and after the INUKAI
21 Government handled and also discussed matters of
22 secrecy. This was more or less an established custom.

23 THE MONITOR: Addition to that: "Top
24 secrecy."

25 MR. ITO: With the permission of the President
of the Tribunal, I should like to put a few questions.

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1 I am ITO.

2 THE PRESIDENT: When a Japanese counsel
3 comes to the lectern, all he needs to say is, "My
4 name is 'whatever it is'. I appear for 'so and so',"
5 and then proceed to put questions. That will help
6 to shorten the proceedings very much. We appreciate
7 your courtesy. Nevertheless, we would like to shorten
8 proceedings by eliminating every unnecessary word.

9 CROSS-EXAMINATION (Continued)

10 BY MR. ITO:

11 Q I am ITO, Kiyoshi, counsel for the defendant
12 MATSUI, Iwane. I should like to ask the witness his
13 age. How old are you?

14 A I am fifty-one.

15 Q You said that Dr. Sun Yat Sen was an intimate
16 friend of your father and that he came to Japan prior
17 to the revolution. How old were you at that time?

18 A His stay being long, I cannot say very
19 definitely, but I was three years old when he came
20 for the first time, and he stayed until I was about
21 to enter the primary school.

22 THE MONITOR: Correction: Instead of "He
23 stayed" -- "I have seen him several times until I
24 entered the elementary school."

25 Q Then the reasons of Sun's visit to Japan

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1 that you gave this morning were not the reasons that
2 you have found for yourself?

3 A Yes, I am speaking of what my father had
4 from time to time told me.

5 Q In your affidavit you state that you are a
6 member of the Parliament, when were you first elected
7 a member of Parliament and how many times were you
8 elected?

9 A I have been elected and reelected since 1930
10 to this date.

11 Q Can you tell the Tribunal what your present
12 position is and also a few important positions that you
13 held in your past as a member of the Parliament?

14 A Among the principal official positions held
15 by me: In 1931, private secretary to the Prime
16 Minister; in 1937, councillor -- Parliamentary
17 Councillor of the Ministry of Communications; and in
18 the winter of last year, Parliamentary Vice Minister
19 of Foreign Affairs. At the present time I am President
20 or Chairman of the General Affairs Committee of the
21 Nippon SHIMPO-TO or Progressive Party.

22 Q Is that correct, the passage of your
23 affidavit: I was the secretary to the Prime Minister;
24 and "I also kept my father's papers and records
25 straight. I also handled my father's correspondence."

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1 Is that correct?

2 A Yes.

3 Q Is it not so that when INUKAI was Prime
4 Minister, a man by the name of UZAKI, Ujo began the
5 compilation of a biography of your father, INUKAI,
6 and that your father had provided data for the book
7 as well as wrote passages for the book and cooperated
8 in the writing of an accurate biography, is that so?

9 THE PRESIDENT: I am reluctant to inter-
10 rupt but that cross-examination is of no assistance.
11 Every moment spent here is very valuable, so valuable
12 that we cannot afford to waste any time at all.

13 Q In February, 1932, was the late Mr. INOUYE,
14 Jonosuke, former Finance Minister, shot to death?

15 A Yes, I recall that incident.

16 Q And in March, DAN Takuma, one of the financial
17 leaders of Japan, was shot and then on the 15th of May
18 your father was shot at the official residence of the
19 Prime Minister.

20 THE MONITOR: "Was attacked at the official
21 residence of the Prime Minister."

22 A I quite clearly recall these incidents.

23 Q Was the so-called May 15 incident an incident
24 in which the official residence of the Prime Minister
25 INUAKAI, official residence of MAKINO, Minister of the

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1 Imperial Household, Lord Keeper of the Privy Seal,
2 and Headquarters of the Seiyukai Party, the Metro-
3 politan Police Board, and the MITSUBISHI Bank were
4 attacked?

5 A Yes, that is how I am informed.

6 Q Were the people who caused those three
7 incidents inter-related? At that time political
8 parties, financial clique, and privileged classes
9 conspired together in order to seek their personal
10 interests and corrupted the administration of the
11 state; and they misled the State of Japan -- that is,
12 they misled the national policy, failed in diplomacy
13 and neglected the livelihood of the farmers in the
14 interior of the country.

15 THE MONITOR: Correction: "And neglected
16 the emaciated condition of the farmers."

17 THE PRESIDENT: What are you trying to prove?

18 MR. ITO: If you heard me a little further
19 you would understand, your Honor.

20 THE PRESIDENT: Well, we cannot take too
21 much for granted.

22 MR. ITO: Well, you can take for granted
23 just a little bit, can't you?

24 THE PRESIDENT: I think you ought to be able
25 to tell us what your objective is.

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1 Q As the critical state of the nation which
M prevailed at that time was caused by the evils of
o political parties, financial cliques, and the privileged
r classes, their object was to give a blow to them in
s order to bring about -- in order to effect a national
e reform. Wasn't that so?
& A What the counsel has just said regarding the
A reasons behind the assassination of my father at the
b time of the May 15 incident, I acknowledge.
b A That is enough for me, Mr. Witness.

r A I should imagine that there might have been
a some persons who were engaged in the incident with
m such a motive in mind.

14 THE PRESIDENT: I think we have heard enough
15 of this. If you wanted to cloud the issue you could
16 not go about it in a better way.

17 Q If your father was assassinated, it was because
18 he was regarded as a representative -- your father
19 being Prime Minister was regarded as a leader of
20 political parties, Seiyukai, and not because of the
21 fact that his character or the policy by which he was
22 leading the cabinet were opposed to the ideas of the
23 assassins.

24 THE PRESIDENT: Now, we have decided to
25 terminate this cross-examination. You have said the

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1 last word that you are going to say at that lectern
2 this afternoon. Take him away. Where is the page?

3 MR. HOZUMI: I am HOZUMI, defense counsel
4 representing the defendant KIDO. My question is very
5 short, as usual.

6 CROSS-EXAMINATION (Continued)

7 BY MR. HOZUMI:

8 Q In your affidavit you said, "My father
9 decided that he, the Prime Minister, should recommend
10 to the Emperor that the army be withdrawn from Man-
11 churia by an Imperial Rescript." Why did the attempt
12 fail? What was the reason for the failure of this
13 attempt?

14 A There were various reasons, but I shall state
15 one or two which I recall quite clearly. One is the
16 opposition of the army. I can say that it was
17 opposition, although this statement of mine requires
18 some explanation in that at that time I did not know
19 what officer of influence in the army was opposed to
20 it or what young officers were difficult to hold down,
21 or who happened to be in favor of it or who happened
22 to oppose it, but I am covering those reasons in the
23 two words "army opposition."

24 According to what I recall, those in the
25 army who were concerned with the China problem were

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1 at about December, 1931, not of the opinion of
2 establishing a new state in Manchuria. From what
3 I have heard, the general atmosphere tended toward
4 a line of action through a more conciliatory and
5 friendly talks or negotiations between my father
6 and Chiang Kai-Shek, and the general attitude at that
7 time seemed to have been to follow such a policy
8 held by my father. But suddenly in 1932 such a
9 tendency or atmosphere disappeared suddenly and was
10 directed toward the establishment of a new state.

11 MONITOR: Correction: September of 1932.

12 WITNESS: From about the first month in 1932
13 the army opposition to this policy suddenly raised
14 its head. If you want a further explanation I shall
15 be happy to provide it.

16 Q That point is enough for me. If you have
17 any other reason than that of the opposition offered
18 by the army, please state it.

19 A I can't sufficiently recall to my mind at
20 the present time.

21 Q If the Premier's non-expansion policy became
22 a failure because of the opposition by the army, the
23 expression used in your affidavit is not correct.
24 The English version of it -- the relevant portion of
25 the English version of it reads: "He, the Prime

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1 Minister, should recommend to the Emperor that the
2 army be withdrawn from Manchuria by an Imperial
3 Rescript. Following this policy Prime Minister INUKAI
4 had an audience with the Emperor but was not success-
5 ful in having the Army withdraw from Manchuria."
6 Reading the words as stated in the affidavit, it says
7 that he had asked for a rescript from the Emperor
8 but was not granted it. Hence, he could not withdraw
9 the army from Manchuria. Now, I should like to have
10 you make a very clear statement, because this state-
11 ment can mean to me that the Emperor was also respon-
12 sible for this matter.

13 A On this problem may I state that His Majesty
14 was a strong advocate of peace and had a very strong
15 desire for an amicable settlement of the Manchurian
16 Incident. That is what I meant to say in my affidavit
17 and I think no changes are required.

18 Q I don't want you to change it. However, the
19 version, both in English and in Japanese, are mis-
20 leading, so if you state with what intention you said
21 that it would be sufficient.

22 A The counsel's suspicions are justified, but
23 it isn't his responsibility in that I didn't get
24 around to that point. If necessary, I should be very
25 happy to make a statement because I think it is a

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1 very important question in so far as our country is
2 concerned.

3 MR. HOZUMI: I should like to hear your
4 Honor's opinion. I am quite satisfied but I should
5 like to hear your Honor's opinion, if you want him to
6 state more.

7 THE PRESIDENT: I cannot understand.

8 INTERPRETER: Mr. President, the counsel
9 says he is satisfied already but if your Honor would
10 like to hear more he would ask the witness to go on
11 with his narration.

12 THE PRESIDENT: I have heard enough.

13 MR. HOZUMI: I shall not ask any more ques-
14 tions of you because the President of the Tribunal
15 does not seem to wish to hear you any further.

16 THE PRESIDENT: Captain Kleiman.

17 CROSS-EXAMINATION (Continued)

18 BY CAPTAIN KLEIMAN:

19 Q Concerning the sentence just read by
20 Dr. HOZUMI to yourself, do you know whether the Privy
21 Council had been consulted by the Emperor.

22 (Whereupon, MORI, Tomio replaced
23 SHIMADA, Masakazu as interpreter.)

24 A I do not think so. That is because what my
25 father was then endeavoring to do was to lay the

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1 ground work for a Sino-Japanese reconciliation. The
2 matter had not developed to the point where it required
3 presentation to the Privy Council.

4 Q As far as you know, did the Privy Council
5 take or express any opinion with respect to with-
6 drawal of the army from Manchuria?

7 A I recall that the Privy Council at that time,
8 speaking very frankly, had no such authority or power.
9 Speaking more specifically, I doubt whether that is
10 within the authority of the Privy Council.

11 Q Did your father's government adopt, support
12 military aggression in Manchuria, continue this
13 aggression and its gradual extension over other parts
14 of China?

15 A In so far as my father was concerned, he did
16 everything in his power to prevent, to check the
17 spread of the Incident, and made every effort in his
18 power to realize peaceful relations between Japan
19 and China on a basis of equality.

20 MONITOR: Correction: To check the expan-
21 sion of the unfortunate Incident in Manchuria.

22 Q Were you ever present when your father had
23 discussion with Sun Yat Sen?

24 A At that time I was a baby. I sat on Dr.
25 Sen's lap but I never had a discussion with him.

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1 Q Do you retain any memoranda or notes of dis-
2 cussions that were had in the cabinet meetings?

3 A It is one of the boasts of my family not
4 to keep memos or notes, as you see. My father has
5 constantly instructed us to train our memory.

6 Q Were you ever adviser to Wang Ching Wei
7 puppet regime of China?

8 A I was not official adviser as such but I
9 gave advice to Wang Ching Wei with respect to general
10 peace in China with Chiang Kai-Shek.

11 Q Were you ever interrogated concerning the
12 possibility of your being a war suspect?

13 A I and others who were concerned with Japan's
14 peace movements do not think so.

15 CAPTAIN KLEIMAN: No further questions, thank
16 you.

17 THE PRESIDENT: Mr. Furness.

18 MR. FURNESS: My name is Furness and I will
19 cross-examine on behalf of Mamoru SHIGEMITSU.

20 CROSS-EXAMINATION (Continued)

21 BY MR. FURNESS:

22 Q Mr. INUKAI, during your father's tenure of
23 office as Prime Minister and Foreign Minister, the
24 Minister to China was Mr. SHIGEMITSU, was he not?

25 A Yes.

1 Q In your affidavit and in your testimony you
2 have outlined what your father's policy with respect
3 to Manchuria was, that is, opposition to the extension
4 of the Manchurian Incident, favoring the withdrawal
5 of the Japanese Army from Manchuria, and respect of
6 the sovereignty of China. Are you familiar with
7 Mr. SHIGEMITSU's efforts to carry out that policy?

8 A I do not have an accurate memory, but I
9 imagine that Mr. SHIGEMITSU followed that line of
10 action. May I state my reasons for my statement?

11 Q Sure.

12 A When Mr. SHIGEMITSU was Minister to China
13 he was seriously wounded by a bomb. After that
14 incident occurred, my father, as I recall, would get
15 out of his bed, after he had once retired, frequently
16 to ask me, as private secretary, whether any messages
17 or cable messages had come in with respect to Mr.
18 SHIGEMITSU's condition. He was very much concerned.
19 Although this might be a very general explanation, I
20 can say that my father highly respected and trusted
21 Mr. SHIGEMITSU's efficiency and ability.

22 Q You would say, then, that you are convinced
23 that Mr. SHIGEMITSU made every effort to carry out
24 your father's policies?

25 A Yes, I so imagine.

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1 MR. FURNESS: I have no further questions.

2 THE PRESIDENT: We will adjourn now until
3 thirty minutes after nine tomorrow morning.

4 (Whereupon, at 1600, an adjournment
5 was taken until Friday, 28 June 1946, at
6 0930.)

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